

UNITED STATES OF AMERICA

v.

Manning, Bradley E.
PFC, U.S. Army,
HHC, U.S. Army Garrison,
Joint Base Myer-Henderson Hall
Fort Myer, Virginia 22211

Scheduling Order

30 August 2012

1. The Court is currently scheduling Article 39(a) sessions with the following default schedule at the request of the parties: two weeks for parties to file motions; two weeks for parties to file responses; five days for parties to file replies; and one week for the Court to review all pleadings before the start of the motions hearing. The time for filing replies was added after the first Article 39(a) session on 15-16 March 2012 because the Court received reply briefs the day before that session, the parties desire to continue to file replies, and the Court requires time to consider them.

2. Scheduling dates and suspense dates are set forth below. This schedule was coordinated with the parties. The trial schedule will be reviewed and updated as necessary at each scheduled Article 39(a) session.

- a. Immediate Action (21 February 2012 - 16 March 2012)
- b. Legal Motions, excluding Evidentiary Issues (29 March 2012 - 26 April 2012)
- c. Legal Motions (10 May 2012 - 8 June 2012)
- d. Interim Pretrial Motions (2 June 2012 - 25 June 2012)
- e. Pretrial Motions (7 June 2012 - 20 July 2012)
- f. Pretrial Motions (20 July 2012 - 30 August 2012)
- g. Pretrial Motions (24 August 2012 - 18 October 2012)

(A) Article 39(a): 17-18 October 2012

(1) Government Discovery for Information Owned by the CIA, DHS and ODNI¹

¹ On 25 July 2012, the prosecution requested leave until 14 September 2012 to disclose a subset group of information owned by the Central Intelligence Agency (CIA), the Department of Homeland Security (DHS), and the Office of the Director of National Intelligence (ODNI). On 26 July 2012, the defense filed an objection. On 26 July 2012, the Court ordered the prosecution to file a supplemental pleading, stating with particularity the review and approval procedures required prior to disclosure of information above the "secret" level and how that differs from the review and approval procedures required prior to disclosure of information at or below the "secret" level. On 1 August 2012, the Court granted the Government's request for leave until 14 September 2012 in part. The Court Ordered the Government, upon receipt of agency approval, to immediately disclose discoverable classified information to the Defense or to the Court IAW RCM 701(g)(2) or MRE 505(g)(2).

- (A) Filing: 14 September 2012
- (2) **Government Discovery Disclosure to Court under RCM 701(g)(2) or MRE 505(g)(2) of All Information Subject to the Court's 22 June 2012 Ruling²**
(A) Filing: 14 September 2012
- (3) **Defense Witness List for Speedy Trial, including Article 10**
(A) Witness Lists: 24 August 2012
- (4) **Government Chronology for Speedy Trial, including Article 10**
(A) Witness Lists: 26 September 2012
- (5) **Defense Updated Witness List for Speedy Trial, including Article 10**
(A) Filing: 2 October 2012
(B) Response: 9 October 2012
(C) Reply: 11 October 2012
- (6) **Defense Supplemental Article 13 Motion**
(A) Filing: 24 August 2012
(B) Response: 7 September 2012
(C) Reply: 14 September 2012
- (7) **Government Supplemental Article 13 Motion Witness List (if necessary)**
(A) Filing: 4 September 2012
- (8) **Court Member Questionnaires**
(A) To Detailed Members and Alternates: 4 September 2012
(B) Suspense for Detailed Members and Alternates to Respond: 21 September 2012
- (9) **Disclosure to Defense, Disclosure to the Court under MRE 505(g)(2), Notification to the Court of Claim of Privilege under MRE 505(c), or Filing for *In Camera* Proceeding IAW MRE 505(i) with Notice to Defense (if Privilege is Claimed) for DOS Information Subject to the Court's 19 July 2012 Order**
(A) Date: 14 September 2012

h. Pretrial Motions (26 September 2012 - 2 November 2012)

- (A) Article 39(a): 29 October 2012-2 November 2012
- (1) **Defense Additional Witness List #2 for Article 13 Motion**
(A) Witness List: 26 September 2012
(B) Government Objections (if any): 16 October 2012
(C) Defense Motion to Compel (if any): 22 October 2012

² On 21 August 2012, the Court Ordered the Government to specifically justify each proposed redaction for the FBI file by 14 September 2012.

- (2) **Defense Motion for Speedy Trial, including Article 10**
 - (A) Filing: 19 September 2012
 - (B) Response: 10 October 2012
 - (C) Reply: 17 October 2012
- (3) **Government Witness List for Response to Defense Motion for Speedy Trial, including Article 10**
 - (A) Filing: 9 October 2012
- (4) **Defense Notice of Intent to Disclose Classified Information under MRE 505(h) (From Subsequent Disclosures)**
 - (A) Filing: 15 October 2012
 - (B) Response: 26 October 2012
- (5) **Witness List (Defense and Supplemental Government)**
 - (A) Filing: 15 October 2012
- (6) **Defense Production of Government Reciprocal Discovery Request**
 - (A) Date: 15 October 2012
- (7) **Defense Notice of Accused's Forum Selection and Notice of Pleas in Writing**
 - (A) Filing: 15 October 2012
- (8) **Defense Notice of its Intent to Offer the Defense of Lack of Mental Responsibility IAW RCM 701(b)(2)**
 - (A) Filing: 15 October 2012
- (9) **Disclosure of RCM 914 Material**
 - (A) Date: 15 October 2012
- i. **Pretrial Motions (19 October 2012 - 2 December 2012)**
 - (A) Filing: 19 October 2012
 - (B) Response: 2 November 2012
 - (C) Reply: 9 November 2012
 - (D) Article 39(a): 27 November 2012-2 December 2012
- (1) **Defense Supplemental #2 for Article 13 Motion**
- (2) **Defense Article 13 Motion (Article 39(a) only)**
- j. **Pretrial Motions (16 November 2012 - 14 December 2012)**
 - (A) Filing: 16 November 2012
 - (B) Response: 30 November 2012
 - (C) Reply: 5 December 2012

(D) Article 39(a): 10-14 December 2012

(1) Defense Witness List Litigation

(A) Government Objection to Defense Witnesses: 16 November 2012

(B) Motion to Compel Production: 30 November 2012

(C) Response: 5 December 2012

(2) Government Motion to Compel Discovery (if any)

(3) Defense Motion to Compel Discovery #4 (if necessary)

(4) Additional Requests for Judicial Notice

(5) Pre-Qualification of Experts

(6) Motions *in Limine* (Supplemental, Including any Classified Information) (if necessary)

k. Pretrial Motions (7 December 2012 - 18 January 2013)

(A) Filing: 21 December 2012

(B) Response: 4 January 2013

(C) Reply: 9 January 2013

(D) Article 39(a): 14-18 January 2013

(1) Litigation Concerning MRE 505(h) and MRE 505(i) (If not previously resolved)

(A) Filing: 7 December 2012

(B) Response: 21 December 2012

(2) Supplemental Government Witness List (if necessary)

(A) Date: 14 December 2012

(3) Production of Compelled Discovery from Defense

(A) Date: 14 December 2012

(4) Grunden Hearing for Government Classified Information

(5) Voir Dire Questions, Flyer, Findings/Sentence Worksheet, All CMCOs

(A) Filing for Court Review: 4 January 2013

l. Pretrial Motions (28-29 January 2013)


(1) Grunden Hearing for Defense Classified Information

(2) Completion of Security Clearance Checks for Witnesses (as necessary)

m. Trial by Members (30 January 2013 - 22 February 2013)

- (1) Voir Dire: 30 January 2013-31 January 2013
- (2) Trial: 4 February 2013-15 March 2013

So **Ordered** this 30th day of August 2012.



DENISE R. LIND
COL, JA
Chief Judge, 1st Judicial Circuit